IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	Lee, Hoyong	Group Art Unit:	2175
Serial No.:	10/602,146	Examiner:	Nunez, Jordany
Filed:	June 24, 2003	Confirmation No.:	9878
For:	WEB-BASED USER INTERFACE FOR PERFORMING PROVISIONING		

REPLY BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Examiner's Answer mailed on January 11, 2010.

There are several points in the Examiner's Answer at which the Examiner has

failed to establish a *prima facie* case of obviousness against any of claims 4, 15 or 21.[1]

The non-functional descriptive material
basis of the rejection is inappropriate
in this case.

As indicated in Appellant's opening brief, the Examiner's alleged *prima facie*

case against claims 4, 15 and 21 depends upon the allegation that the map of a network

limitations of those claims are non-functional descriptive material. Appellant respectfully

disagrees. The Examiner appears to be overlooking the fact that the claims require a

computer to display the map of the network. That requires the information for generating

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[1] Only claims 4, 15 and 21 are on appeal. The attempted amendment presented by Appellant was not entered by the Examiner. The Examiner's reason for not entering that amendment was that "a network" was changed to "the network" in claim 4. The Examiner refused to enter the amendment saying that such a change presented a new issue for consideration. Appellant respectfully disagrees. While "a" was changed to "the" that was done for purposes of correcting antecedent basis. It is clear from the context of the claim that the same network was intended to be recited at each portion of the claim. This is consistent with claims 15 and 21, for example.

the display to be processed by the computer. There is no way that a computer can display a map of a network unless it processed the information for generating such a display.

As indicated by the Federal Circuit, printed matter cases have no factual relevance where the invention as defined by the claim requires that the information is processed by a machine. On page 10 of the Examiner's Answer, the Examiner suggests that the important thing is that it is up to a human being to decide whether the map is a map of a network. That misses the point. The claim limitations focus on the computer displaying the map. Therefore, a printed matter basis for a rejection is inappropriate in this case. Without having that basis available for the rejection, there is no *prima facie* case of obviousness. The Examiner has admitted that the cited references do not teach what the Examiner considers to be "printed matter or non-functional descriptive material." The rejection must be reversed.

The Examiner cannot find the claimed
provisioning in the references.

In the Examiner's Answer on page 9, the Examiner focuses on the email feature of the *Rajarajan* reference. The Examiner's analysis is inadequate for establishing a *prima facie* case of obviousness for two reasons. First, the Examiner is ignoring the claim language regarding the provisioning as recited in the claims on appeal. The claimed "provisioning" comprises "configuring physical links or service channels among network elements." Adding an email address as taught by the *Rajarajan* reference does not do that.

Second, the Examiner is attributing a feature to the *Rajarajan* reference that is not there. That reference teaches a navigation tool with a graphical user interface but that tool is not used for "associating an email application with a particular [hardware] device"

as suggested by the Examiner on page 9 of the Office Action. The navigation tool and graphical user interface of the *Rajarajan* reference is not described as being used for that purpose. The act of associating the email application with a particular device does not fit within what the reference discloses as being part of what the navigation tool or graphical user interface facilitates. In other words, the Examiner is taking liberties with the teachings of the reference beyond the scope of the reference for purposes of trying to prop up a faulty *prima facie* case. The rejection must be reversed.

The *Bocioned* reference does not
show physical links between elements.

Part of the Examiner's faulty *prima facie* case depends upon the Examiner's assertion that the *Bocioned* reference indicates a location for a printer and physical links or connections between that printer and another network element. The Examiner, on page 11 of the Examiner's Answer, suggests that Figure 5 of the *Bocioned* reference teaches that. A simple look at Figure 5 indicates that the Examiner is incorrect. There is nothing in that illustration that in any way designates any sort of link or connection between any devices. The icons do not convey any information regarding any links between those devices. Instead, it merely shows them as options. There is simply nothing in Figure 5 or the rest of that reference to show what the Examiner contends is there. Without that, there is no possible *prima facie* case of obviousness. The rejection must be reversed.
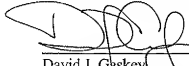
Conclusion

There is no *prima facie* case of obviousness. There are features in Appellant's claims that are not shown in either of the references relied upon by the Examiner. Without that, there is no *prima facie* case. Additionally, it cannot be considered obvious

to add such elements to the proposed combination because there is no reason for doing so

without the benefit of improper hindsight based upon Appellant's disclosure and claims.

The rejection of claims 4, 15 and 21 must be reversed.

Respectfully submitted,

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Dated: March 11, 2010

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